

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOMMY MOLINA,

Defendant.

4:23MJ3071

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

The undersigned magistrate judge presided over proceedings for the extradition of Tommy Molina to Germany on a charge of murder. The following sets forth my findings of fact and conclusions of law on the issues to be decided by the court.

FACTUAL AND LEGAL FINDINGS

1) The Tommy Molina who appeared before me is the Tommy Molina named in the German arrest warrant.

2) Pursuant to [18 U.S.C. § 3184](#), extradition proceedings before a court may be conducted by “any justice or judge of the United States, or any magistrate judge authorized so to do by a court of the United States.” The undersigned is a magistrate judge for the United States District Court for the District of Nebraska and is thereby authorized to preside over extradition hearings and make a ruling.

3) On June 8, 2023, a criminal complaint application, signed under oath, was presented to the undersigned magistrate judge for consideration. The

warrant application stated Tommy Molina, a Nebraska resident, was wanted for the murder of victim C.H. in Germany on or about April 20, 1978, in violation of Section 211 of the German Criminal Code (“GCC”). The application stated that Judge Riag Weber with the Schweinfurt Local Court in Germany had issued an arrest warrant for Molina on that charge on February 19, 2021. In accordance with the current and enforceable treaty between the United States and Germany, Germany had submitted Diplomatic Note number 44/2021, dated May 18, 2021, and Diplomatic Note 112/2021, dated November 24, 2021, requesting extradition of Tommy Molina to Germany to be prosecuted for murder. The undersigned magistrate judge signed the complaint and issued the requested arrest warrant.

Pursuant to [18 U.S.C. § 3184](#), a judge may, “upon complaint made under oath, charging any person found within his jurisdiction” issue an arrest warrant “for the apprehension of the person so charged.” Tommy Molina was arrested in the District of Nebraska and as such, this court has jurisdiction over Tommy Molina and the proceedings for his extradition.

4) Tommy Molina appeared before me on June 30, 2023. Counsel was appointed and represented Molina at the hearing. Molina admitted that he was Tommy Molina, the person described in the criminal complaint. The court advised Molina of the charges against him in Germany. The court further advised Molina of his right to a public extradition hearing, and his right to subpoena witnesses at the United States’ expense to attend that hearing.

Molina requested a public extradition hearing. He further requested a hearing to present evidence of specific circumstances justifying his release on bail. As to the latter, Molina requested time to collect medical records prior to the hearing.

The medical records were collected, and the extradition hearing was held on August 4, 2023. Molina was represented by his court-appointed counsel at the

hearing. The government and Molina presented evidence for the court's consideration. Based on the filings of record and the evidence presented, the court finds:

a. The Charged Crime is Covered by the Treaty

There is an extradition treaty in full force and effect between the United States and Germany ("The Treaty"). The Treaty provides for the return of "persons found in the territory of one of the Contracting Parties who have been charged with an offense or are wanted by the other Contracting Party for . . . an offense committed within the territory of the Requesting State." Treaty, Art. 1(1) ([Filing No. 1-1 at CM/ECF p. 7](#)). Extraditable offenses are "offenses which are punishable under the laws of both Contracting Parties." Treaty, Art. 2(1) ([Filing No. 1-1 at CM/ECF p. 8](#)).

Murder is a crime under Section 211 of the GCC, and it carries a potential penalty exceeding one year of imprisonment. See Section 211(1) of the GCC (potential penalty of life imprisonment). Murder is also a crime punishable by more than one year of imprisonment under United States federal law, [18 U.S.C. § 1111](#), and Nebraska state law, [Neb. Rev. Stat. §§ 28-303](#).

The court therefore finds that the Treaty between the United States and Germany covers the offense for which Germany seeks the extradition of Tommy Molina.

b. The Evidence to Supports the Crime Charged.

Between 9 p.m. and 11 p.m. on April 20, 1978, a woman, C.H., was stabbed and killed in Germany. The body was found in in Schweinfurt, Germany. Upon examination of the body, investigators found fresh sperm on the victim's underwear and in her vagina, and 14 stab wounds to her back and neck area.

Police found tire tracks near where the body was found. Those tracks matched the tires on the make and model of Molina's car—a Fiat 124. Witnesses reported seeing two occupants in a car that matched the description of Molina's vehicle around the time of the murder and near where the body was found. They further noticed green license plates like those affixed to cars driven by U.S. soldiers. Molina was a U.S. Army soldier stationed in Schweinfurt, Germany at the time of the murder.

Molina's car had rubber mats with a diamond pattern. That same pattern was visible on the sole of the victim's shoe and her skirt. Five days after the murder, Molina's car mats appeared to have been cleaned.

German law enforcement questioned Molina about the murder. He stated he was with his wife when the murder occurred, but his wife stated she could not recall.

In 1995, Molina's ex-wife, P.D., told Army investigators that while drunk, Molina admitted he killed a woman with a knife while stationed in Schweinfurt, Germany, explaining he had an affair with her, and she was pregnant. Molina admitted to others that he harmed or killed a woman while stationed in Germany. He told P.D. that he killed the victim because she was a spy or because he was having an affair with her, and he did not want others to find out. He told a co-worker that while stationed in Germany, he had affairs with German women and did "bad things" to them which he refused to talk about. And he told his father that he may have beat up a German girl because he remembered coming home covered in blood.

While an earlier DNA sample collected from Molina did not link him to the murder, a sample drawn in 2021 and tested with current DNA testing located Molina's DNA on five different samples taken from the victim's knee-length stocking.

Based on the foregoing facts, the court finds there is evidence “sufficient to sustain the charge” of murder against Tommy Molina. Based on the physical evidence, eyewitness reports, Molina’s admissions, and the statements corroborating those admissions, there is probable cause to believe that Tommy Molina murdered a woman in Germany on April 20, 1978, in violation of German law.

Accordingly,

IT IS ORDERED:

1. As more fully explained above,
 - a. The undersigned magistrate judge for the United States District Court for the District of Nebraska is authorized to conduct the extradition proceedings herein.
 - b. Tommy Molina is subject to the jurisdiction of the United States District Court for the District of Nebraska.
 - c. The treaty between the United States and Germany is in full force and effect.
 - d. The crime charged against Tommy Molina by a German Court, murder, is a crime covered by the treaty between the United States and Germany.
 - e. Based on the evidence presented, there is probable cause to support Germany’s murder charge against Tommy Molina.
2. The court will enter an Order of Certification and Committal for Extradition.

Dated this 7th day of August, 2023.

BY THE COURT:


United States Magistrate Judge